

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT SPIVEY

v.

JOHN RIVELLO

CIVIL ACTION

NO. 18-1740

ORDER

AND NOW, this 15th day of August, 2023, upon consideration of Robert Spivey's Petition for a Writ of *Habeas Corpus* (ECF 1), Respondents' Response in Opposition (ECF 17), the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey (ECF 38) and Spivey's Objections (ECF 44, 51), it is hereby **ORDERED** that:

1. Spivey's objections are **OVERRULED** and Magistrate Judge Hey's Report and Recommendation (ECF 38), is **APPROVED** and **ADOPTED**;
2. Spivey's Petition for a Writ of *Habeas Corpus* (ECF 1) is **DENIED** and **DISMISSED**;
3. Spivey's Motions to Stay (ECF 48, 61) are **DENIED as moot**;
4. Spivey's Motion to Reopen Hearing (ECF 53) is **DENIED**;
5. Spivey's Motions to Amend the Petition (ECF 50, 55, 62) are **DENIED**;
6. Spivey's Amended Petitions (ECF 54, 60) are **DENIED**;
7. No certificate of appealability shall issue;
8. This case shall be **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.